THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.9722 of 2006

Date: 09.05.2006

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Between:

Allaboyina Pydi Raju, S/o.Simhadri

Visakhapatnam District.

Petitioner

and

The Deputy Director,

Department of Mines & Geology,

Visakhapatnam – 17.

Respondent

ORDER:

The writ petition is filed aggrieved by the order of the respondent dated 29.042006. The petitioner's vehicle – Trailer Lorry bearing No.AP 16X6118 was seized on 29.04.2006 on the ground of transporting rough Granite Blocks, without

valid transport permit. By the impugned order of the respondent, the petitioner was intimated that the vehicle will be released on payment of Rs.80,704/- towards the Seignorage fee and Five Times Penalty payable for illegal transportation of 7.686 Cubic Meters of Ruff Granite Blocks.

At the time of hearing, Sri S. Srinivas Babu, learned Assistant Government Pleader for Industries and Commerce admits that the respondent has no power to seize the vehicle even if the transportation of minor mineral is illegal, without due permit and has also no power to demand payment of the Seignorage fee and five times penalty as a condition precedent for release of the vehicle.

In view of the admission made by the learned Assistant Government Pleader for Industries and Commerce, the Writ Petition is allowed as prayed for.

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Goda Raghuram, J

Date: 09.05.2006

Va/vrn